

January 15, 2013

Gene Foster
Department of Environmental Quality
811 SW 6th Avenue
Portland, OR 97204-1390

Gene:

We are all representatives for timber and agricultural interests on DEQ's Local Stakeholder Advisory Committee (LSAC), a committee assembled by DEQ to assist them in the construction of the Mid-Coast TMDL. Unfortunately, given recent litigation and deficient technical analyses, it is not possible for our group to produce a useful product for DEQ within the timelines DEQ staff is pursuing. We write to encourage you to delay the process until we have more certainty regarding state water quality standards, and better science backing the means of TMDL implementation.

As you know, in February, Judge Acosta issued a decision invalidating Oregon's Natural Conditions Criteria. In December, Northwest Environmental Advocates submitted an "Errata" to the court claiming that Oregon's Statewide Narrative Criteria should be invalidated for the same reasons. The outcome of those proceedings, and the state's use of natural conditions analysis in establishing TMDLs, remains uncertain. For purposes of the LSAC, it's difficult to analyze whether TMDLs would meet water quality standards if the water quality standards themselves are uncertain.

Likewise, we are very concerned that the DEQ staff is proceeding without considering relevant science and the experience of local landowners. Our comments and concerns raised in the various Technical Working Groups don't appear to be incorporated into the materials that are then presented to the LSAC. We are very concerned that DEQ staff will produce further technical analyses that build on these early staff products that are not, in our opinion, representative of the broader interpretations of what the science is telling us.

As a group, we are committed to clean water. However, DEQ appears to be pressing forward on an uncertain mission without good science. This strategy threatens to result in a TMDL that is supported by neither the courts nor the public. For these reasons, we respectfully request that you reconsider the timeline DEQ is pursuing, and if necessary, press back on third parties that may be insisting on hasty work.

Thank you for your time. We look forward to your reply.



Richard D. Huff
Private Landowner
Richard Huff Logging



Don Kessi
Private Landowner



Randy Hereford
Starker Forests



Jeff Light
Plum Creek Timber



Joe Steere
Oregon Small Woodlands
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